

**OPINION**  
**44-23**

January 29, 1944    (OPINION)

**APPROPRIATIONS**

RE: Game and Fish

We have your letter of January eighteenth in which you inquire whether or not you can spend more than three-fourths of the \$25,000.00 item appropriated to match federal funds, for projects undertaken by your department in connection with the federal aid to wildlife act, or whether or not you must retain twenty-five percent of this appropriation until the last quarter of the biennium, under Chapter 22, Session Laws of 1941.

The \$25,000.00 appropriation is contained as one of the items in Chapter 22 of the Session Laws of 1943, which is the appropriation measure for your department for the present biennium. Chapter 22 of the Session Laws of 1941 relates to maintenance items. We have frequently held that this should be construed to mean those items which are necessary for the carrying on of the ordinary work of the department, agency, or institution. That is to say, the funds which are necessary in order to pay salaries, heat, light, postage, travel expense and any other item that is necessary to the normal running of the department.

We have held that the act does not apply to particular items appropriated for a special purpose or which had no relation to the actual normal maintenance of the department. This \$25,000.00 item was appropriated for the specific purpose of matching federal funds under the federal act, and we are of the opinion that Chapter 22 of the Session Laws of 1941 does not apply to the items spent from that \$25,000.00 appropriation, and that is may be used in any proper manner without regard to withholding twenty-five percent of it until the commencement of the last quarter of the biennium.

ALVIN C. STRUTZ  
Attorney General